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Supreme Court, U.S.
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**NO. 99-1530**

**IN THE**

**SUPREME COURT of the UNITED STATES**

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JOSEPH S. NORMAN II,
Petitioner,

In the case of:
LARRY DUNN, TOM DUCKWORTH, et al.
Plaintiffs-Counter defendants-Appellants,

v.

AIR LINE PILOTS ASSOCIATION, HENRY DUFFY, et al.
Defendants-Counter claimants-Appellees,

Respondents.

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ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

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# PETITIONERS REPLY TO RESPONDENTS BRIEF IN OPPOSITION

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3 PP

**PETITIONER MAKES THE FOLLOWING POINTS WITH RESPECT TO THE BRIEF OF AIR LINE PILOTS ASSOCIATION, HENRY DUFFY, et al.**

1. Pg. 3 States "Individuals were placed on this list of working pilots only upon receipt of two confirmed reports that the pilot crossed ALPA picket lines, and after being provided with an opportunity to refute the allegation that they had crossed the picket lines to fly for Eastern".

**ANSWER**

Petitioner was never more than a pilot trainee during the Eastern Air Lines "STRIKE OF 89" work dispute, was never qualified to **"fly"** for Eastern Air Lines and was **never given the opportunity to refute the allegation he had crossed the picket lines to "fly" for Eastern.**

2. Pg. 7 States "It is undisputed that ALPA promptly and vigorously prosecuted internal union charges against ALPA members who crossed the picket lines".

**ANSWER**

Joseph S. Norman II has <u>never been prosecuted</u> for crossing the ALPA picket lines during a strike and has always been a union member in good standing. Had defendants considered Norman to have been involved in strike breaking activity, he would have been so prosecuted.

3. Pg.11-12. "Norman's claim of his missing affidavit (Norman Pet. 6-8) does not merit Supreme Court review. Norman merely shows that the district judge did not have his affidavit on the day of oral argument, not that it was never received or considered by the district court."

**ANSWER**

Petitioner has never been a "flight deck operating crew member for Eastern Airlines" which is who the Summary Judgment Order addressed. Obviously Judge Davis did not read or consider the affidavit of Joseph S. Norman II prior to summary judgment. By not examining all the evidence prior to Summary Judgment, Summary Judgment for Joseph S. Norman II was not proper.

4. Pg 12 "Finally, Norman's argument based on Section 8(c ) of the National Labor Relations Act, 29 U.S.C. ss 158 (c) , (Norman Pet. 9-10) is meritless since the Railway Labor Act, not the NLRA, applies in this case. See 29 U.S.C. ss 152".

**ANSWER**

On the previous page (11) of the Air Line Pilots Association et al. Opposition Brief it is argued legal classification under the Railway Labor Act is not relevant. Examination by this court is warranted to establish whether or not airline pilot trainees have or have not done work and whether or not the Railway Labor Act in its entirety is or is not applicable to Air Line Pilots.

Furthermore the names of hundreds of other pilot trainees who left the Eastern Air Lines training program at the request of ALPA are not on the SCAB LIST. The name of Petitioner Joseph S. Norman II is.

RESPECTFULLY SUBMITTED,

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